## IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO EASTERN DIVISION

UNITED STATES OF AMERICA, :

Plaintiff, :

-vs- : CASE NO. 2:11-CR-010(1)

SEAN D. MURPHY, : JUDGE SMITH

Defendant. :

## **MOTION IN LIMINE**

Now comes Defendant, Sean D. Murphy, by and through his attorney, David J. Graeff and respectfully moves for the following to occur in Limine:

- 1. Exclude any reference to Sean Murphy being placed under arrest on January 23, 2009.
- 2. Exclude any reference to Sean Murphy being in jail since January 23, 2009.
- 3. Exclude any letters Sean Murphy wrote to any law enforcement official dealing with proffer issues.
- 4. Exclude any letters not relating to the instant offense that contain prejudicial information.
- 5. Exclude any information obtained or evidence seized from the execution of the 1-23-2009 Search Warrant. (Carnival Folio, Brian Hetherman ID, William Palavacini ID, PA Storage Bin Key)

- 6. Exclude any information not provided in discovery.
- 7. Make no reference to Sean Murphy's criminal records, prior bad acts and/or offenses.
  - 8. Make no reference to Sean Murphy as a Ring Leader or Mastermind.
- 9. Prevent the Government from coaching witnesses about the case before or during trial.

Respectfully submitted,

s/David J. Graeff
David J. Graeff #0020647
P.O. Box 1948
Westerville, Ohio 43086
Phone: (614) 226-5991
Trial Counsel for Defendant
Sean Murphy

## **CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing was delivered to Salvador A. Dominguez, Assistant United States Attorney. 303 Marconi Boulevard, Suite 200, Columbus, Ohio 43215, this <u>5th</u> day of <u>September</u>, 2011.

\_s/David J. Graeff
David J. Graeff #0020647
Trial Counsel for Defendant
Sean Murphy